

STAMPUR & ROTH
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February 1, 2017

BY ECF (Ex Parte) & Fax (212)-805-7949

The Honorable. P. Kevin Castel
United States District Judge
U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: United States v. Scott Tucker, et al. 16Cr. 0091 (PKC)

Dear Judge Castel,

I write to follow up a prior budget request for a line item for a jury consultant in the above matter. When we conferred with Mr. Tritz on the case budget he believed this was an appropriate request. I overlooked that the request was not granted in the approved budget. Mr. O'Toole's resume is attached again for reference. He has agreed to render his services at a reduced rate with an initial budget of \$10,000.00 co-defendant, Mr. Muir will be billed separately and equally proportionately by Mr. O'Toole for the same amount of services rendered.

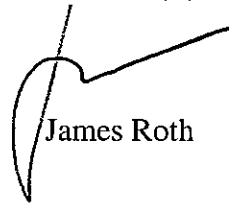
Due to the highly charged nature of the pay-day lending industry, the selection of an unbiased jury panel will be a challenge and the assistance of a jury consultant is warranted. I respectfully request that you reconsider this request and in the event that it is granted that you make the order nunc pro tunc.

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Additionally, the engagement of a forensic accounting firm which you recently authorized requires the addition of 4 user licenses from Modus E Discovery Inc. (the relevant term sheet is enclosed) at the rate of \$100.00 per license for a total of \$400.00 per month for the duration of their engagement to permit the firm's employees to search the relevant financial documents.

In the event that Your Honor has any questions about this request please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James Roth', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'J'.

Encls.

cc: Lee Ginsberg (By Email)
Jerry Tritz (By Email)



Thomas M. O'Toole, Ph.D.

President & Consultant, Sound Jury Consulting

	206-714-1096	1200 Fifth Ave, Ste 625	P.O. Box 46863
totoole@soundjuryconsulting.com		Seattle, WA 98101-3118	Seattle, WA 98146

PROFESSIONAL EXPERIENCE

- AUGUST 2013 - PRESENT
Sound Jury Consulting
President and Consultant
Seattle, WA
- DECEMBER 2005 - AUGUST 2013
Tsongas Litigation Consulting
Senior Consultant
Seattle, WA
- SEPTEMBER 2003 - DECEMBER 2005
Advocacy Research Institute
Intern
Lawrence, KS

ADDITIONAL EXPERIENCE

- AUGUST 2003 - DECEMBER 2005
Public Speaking, Argument, & Debate Instructor
University of Kansas, Lawrence, KS
- AUGUST 2004 - MAY 2005
Interpersonal Communication & Public Speaking
Instructor, Kansas City Community College
Kansas City, KS
- AUGUST 2001 - MAY 2003
Public Speaking, Argument, & Debate Instructor,
Kansas State University, Manhattan, KS

PUBLICATIONS

- *Screenwriting and Trial Strategy: Common Principles and Practices*. King County Bar Bulletin, August, 2015.
- *The Games Attorneys Play in Jury Selection*. King County Bar Bulletin, June, 2015.
- *An Alternative View of Deliberations and Jury Persuasion*. King County Bar Bulletin, April, 2015.
- *The Right and Wrong Ways to Prepare Your Witness for Deposition*. King County Bar Bulletin, February, 2015.
- *Tips and Tricks for Effective Summary Judgment Motions and Argument*. King County Bar Bulletin, October, 2014.
- *The Sniper Defense: Principles for Defending Against Claims*. King County Bar Bulletin, August, 2014.
- *The Impact of Jury Constitution on Deliberations*. King County Bar Bulletin, July, 2014.
- *In the Shadows: Real-Time Juror Feedback from Trial*. King County Bar Bulletin, May, 2014.
- *The Pros & Cons to the Reptile Approach to Trying Cases*. King County Bar Bulletin, May, 2014.
- *The Essentials of Jury De-Selection*. Whitepaper, Spring, 2014.
- *The Keys to an Effective Medical Malpractice Defense*. Whitepaper, Fall, 2014.
- *Strategies on the Fringes of Storytelling*. King County Bar Bulletin, October, 2013.
- *Defeating the Reptile: Strategies for Dismantling the Plaintiff's Revolution*. Whitepaper, September, 2013.
- *Arming Witnesses for Success: Tips & Tools for Effective Deposition Preparation & Practice Sessions*. Whitepaper, August, 2013.
- *Effective Opening Statements & Closing Arguments*. King County Bar Bulletin, December, 2010.
- *Seeing the Forest Through the Trees: Closing Argument & Jury Instructions*. DeNovo, August, 2010.
- *Planning for Success: Three Ways to Better Manage Your Cases*. King County Bar Bulletin, October, 2009.
- *Defending Employment Cases: The Non-Testifying Expert in the Courtroom*. King County Bar Bulletin, September, 2009.
- *A Narrative Framework for Patent Litigation*. King County Bar Bulletin, June, 2009.
- *Telling Your Client's Story in Eleven Sentences or Less Leads to Better Trials*. DeNovo, February, 2009.
- *The Anatomy of a Medical Malpractice Verdict*. Montana Law Review, 2009. What No One Teaches Lawyers About Communication, DeNovo, December, 2008.

SPEAKING ENGAGEMENTS

Tom has spoken across the country for various bar associations, corporations, and lawfirms on a variety of litigation-related topics. In 2009, Tom was invited to speak about jury decision-making in patent cases at the American Bar Association's Annual Meeting in Chicago, IL.

EDUCATION

- University of Kansas
Lawrence, KS
Doctor of Philosophy in Legal Communication and Psychology
- Kansas State University
Manhattan, KS
Master of Arts in Organizational Communication
- Wichita State University
Wichita, KS
Bachelor of Arts in Communication Studies

MODUSTM

MODUS EDISCOVERY INC.
LETTER OF ENGAGEMENT

Re: Tucker/Muir

PREPARED FOR:
Stampur & Roth

PREPARED BY:

Gabe Wiechman
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gabe.wiechman@discovermodus.com

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MODUS™

Appendix A

FORENSICS and COLLECTIONS

Forensics Collections Support	Hourly	\$295
Forensics Senior Consulting and Investigations (Quoted per scope or matter)	Hourly	\$325-\$395
Travel and Expenses/Shipping	AT COST	AT COST
Collection Kit (incl. prepped passkey hard drive, shipping)	Each	\$350

PROCESSING/ECA*

Indexing (or) Filtering (or) ECA Ingestion***	GB	\$75
Native Processing (or) Native Review Activation***	GB	\$225
Selective Image (Tiff/PDF) Creation	Page	\$0.03
Image Endorsement	Page	\$0.02
OCR	Page	\$0.02
Image Format Conversion	Page	\$0.02
Searchable PDF Creation	Page	\$0.04
Processing Technical Services	Hourly	\$175
Advanced Processing Technical Services	Hourly	\$275

HOSTING

Data Storage**	GB/Mo.	\$20
User License	User/Mo	\$100
Project Management/Technical Services	Hour	\$195

ADDITIONAL SERVICES

Data Handling (Intake of Media or Copy to Media/HD – Passkey HDs used as default)	Each	\$50
		(CD/DVD/ftp/intake)
Relativity Analytics: Includes Predictive Coding, Clustering, Email Threading, Near Dupe	GB	\$100
Foreign Language Translation*** (Automated)	Doc	TBD
Near-Line Data Storage	GB/Mo.	\$5
Re-Activation Fee for near-line cases	Each	\$500
Engineering/Custom Requests	Hourly	\$275

*Per GB processing fees based on expanded/uncompressed data size.

** Storage fee consists of: Database Files (metadata/text/database), Activated Native Files.

*** Prices vary based on volume